United States Court of Appeals

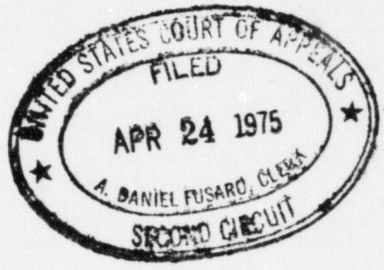
for the Second Circuit

APPELLANT'S BRIEF

75-7142

To be Argued by

ARTHUR T. DAVIDSON, M. D. pro se



United St ates Court of Appeals
for the
Second Circuit

ARTHUR T. DAVIDSON, M. D., Plaintiff-Appellant -against- EUGENE QUASH, M. D., Acting Director, Department of Surgery, Harlem Hospital, Defendant-Appellee	Civil Action Docket No. 75-7142

B
P/S

BRIEF FOR PLAINTIFF-APPELLANT

Arthur T. Davidson, M.D., pro se
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Plaintiff-Appellant
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629 Eastern Parkway
Brooklyn, New York

Arthur T. Davidson, M.D. pro se
of Counsel

TABLE OF CONTENTS

TABLE OF CASES

TABLE OF STATUTES

THE PRELIMINARY STATEMENT

This is an appeal by the Plaintiff-Appellant from a judgment rendered on February 19, 1975, in favor of the Defendant-Appellee in an action by the Plaintiff-Appellant for an order directing Defendant-Appellee to assign Plaintiff-Appellant to surgical duties at Harlem Hospital in keeping with Plaintiff-Appellant's acknowledged, training, experience and ability.

The matter was heard before Mr. Justice Dudley B. Bonsal, United States District Court, Southern District of New York.

QUESTIONS PRESENTED

Question 1: Whether an individual who has "tenure for life", in his employment can be fired, denied assignment to duties, or denied pay, without cause?

Question 2: Whether there is a"property interest"in the continuance tenured employment that is protected by the Fourteenth Amendment to the United States Constitution.

Question 3: Whether there is a denial of Plaintiff-Appellant's Civil Rights as guaranteed by the "Freedom of Speech" clause of the First Amendment to the Constitution of the United States, to refuse to assign to duties, to refuse to pay Plaintiff-Appellant because "plaintiff engaged in irresponsible conduct unbecoming a physician in that he wrote a letter to the New York Amsterdam News which was published in the July 21, 1968, edition of that newspaper" critical of Columbia University.

STATEMENT OF FACTS

In March, 1964, Plaintiff-Appellant was appointed an Attending Surgeon, General Surgery, Harlem Hospital, with life tenure.

Plaintiff-Appellant faithfully, fully, and in a highly satisfactory manner for a period of approximately three years performed all of the duties associated with this position.

Plaintiff-Appellant is an eminently qualified physician who was licensed to practice medicine in the State of New York in September 1948; is a Board certified General Surgeon; and Assistant Clinical Professor of Surgery at the Albert Einstein College of Medicine, New York, New York, a cancer research scientist with cancer research laboratories at Maimonides Medical Center, Brooklyn, NewYork, and the Methodist Hospital, Brooklyn, New York; and a June, 1974, graduate of St. John's University School of Law.

In May,1964, Columbia University entered into an agreement with the City of New York to be responsible for the contractual employment of the professional staff of Harlem Hospital. In the Spring of 1967, Columbia University became involved in a dispute with New York University over the amount of bed space to be allotted to Columbia University at Bellevue Hospital. As a result of this dispute Columbia University decided to withdraw from Bellevue Hospital and transfer the majority of its physicians to Harlem Hospital.

In May 1967, Plaintiff was informed that Dr. J. Ferrer, the newly appointed White Director of Surgery at Harlem Hospital intended to bring a number of surgeons with him from Bellevue Hospital to Harlem Hospital; in particular, one White surgeon, Dr. P. Wiedel, who Dr. Ferrer was most desirous of placing in a very high position at Harlem Hospital.

alleges in the body of his complaint that it was Columbia

Plaintiff in June 1967 discussed the plans of Columbia University to replace him with a White surgeon with Dr. H. Houston Merritt, Dean of the College of Physicians and Surgeons of Columbia University. Dean Merritt told Plaintiff he was going to discuss the situation very frankly with him; that since both Dr. Ferrer and Dr. Wiedel were White, and Plaintiff was Black, he would have to support the removal even though it was unfair, racially motivated and without cuase. Plaintiff pointed out to Dean Merritt that Dr. Wiedel will have a dual appointment, one at Presbyterian Hospital and that of Section Chief of Harlem Hospital. Dean Merritt replied that Plaintiff's analysis was indisputable and irrefutable. However, since he and Plaintiff both being mature adults, should appreciate the fact that regardless of the justice of merit of the situation, if the difference was between a Black and White participant, the unspoken code was that the White point of view would always prevail.

Plaintiff sought aid from the New York City Commission on Human Rights in Plaintiff's aim to retain his position as Chief of Section B, General Surgery, Harlem Hospital, and in connection therewith Plaintiff engaged Counsel. Following several meetings between Plaintiff, Counsel for Plaintiff, officials of Columbia University, Counsel for Columbia University, and members of the New York City Commission on Human Rights, an agreement was reached whereby Plaintiff was to spend a year at Columbia University and then return to Harlem Hospital"as Chief of a surgical section or in some other mutually agreeable, equivalent position."

However, at the end of this year, Columbia University refused to honor its agreement with Plaintiff and requested that Plaintiff spend an additonal year at Columbia University.

In the Summer of 1969, Columbia University offered to employ

appointed as Acting Director of Surgery at Harlem Hospital.

Plaintiff in a lesser position of employment at Harlem Hospital. Plaintiff pointed out that his agreement called for his return to the clinical service at Harlem Hospital as Chief of a Surgical Section or in some other mutually agreeable, equivalent position. Columbia University then informed Plaintiff that his insistence on his contractual rights as a Black surgeon was making it difficult for the White Director to control the other Black doctors. Therefore, Columbia University was firing him from his employment as of September 30, 1969, and would cease assigning him any duties and terminate his salary.

Beginning in October 1969, and continuing to December 1972, Plaintiff made repeated periodic requests to Columbia University for reemployment and restatement at Harlem Hospital in his previous capacity. Each request was denied.

On February 14, 1973, Plaintiff filed a charge of unlawful employment practices, in violation of Title VII of the Civil Rights Act of 1964 (as amended by the Equal Employment Opportunity Act of 1972). In a hearing before the West 125th Street branch of the New York State Division of Human Rights, the Hearing Officer ruled that Plaintiff had not formally applied to Columbia University for assignement to the Surgical Staff of Harlem Hospital. This finding by the Hearing Officer was an error because: (a) Plaintiff had made written application to the White Director of Surgery at Harlem Hospital and had received a reply; and (b) as Plaintiff had, and still has, life tenure as an Attending Surgeon at Harlem Hospital, a formal application for staff membership was unnecessary.

On March 19 , 1974, Plaintiff filed a complaint in the United States District Court, Southern District of New York alleging discrimination in employment due to race. Jurisdiction was based on Title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972 ("Title VII"). In their answer Counsel for Defendants admitted that

Plaintiff had life tenure in his employment as an Attending Surgeon, General Surgery, Harlem Hospital. However, Counsel for Defendants contended that the necessary parties at Columbia University were not named in the suit.

On November 25,1974, Plaintiff moved for an order directing Defendants to assign Plaintiff to surgical duties at Harlem Hospital. This motion for summary judgment was made under Rule 56 of the Federal Rules of Civil Procedure.

Defendants opposed this motion on the grounds of:one, lack of subject matter jurisdiction; two, failure to join the necessary parties. Plaintiff in his Memorandum of Law pointed out to the Court that; one, Rule 19 of the Federal Rules of Civil Procedure requires that a necessary party be joined in an action; two, U. S. District Courts do have subject matter jurisdiction of cases brought under Title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972.

Judge Bonsal in his decision denied Plaintiff's motion for summary judgment because "the Court finds that defendant raises several material issues of fact which should be resolved at trial." He found that U. S. District Courts do have subject matter jurisdiction in these actions. However, he dismissed defendants motion with leave to plaintiff to serve and file an amended complaint within twenty days from the date of order to be entered herein, which amended complaint shall include the same defendants who were parties in the EEOC and Division proceedings, and which shall detail sufficient facts to show that the plaintiff is entitled to relief.

SUMMARY OF ARGUMENT

1. An individual protected by tenure, for life or otherwise cannot be fired, not assigned duties or have his pay terminated, unless charges, for cause are upheld.

2. Under no circumstances can a person be denied employment or assignment of duties because of the exercise of his First Amendment right of "Freedom of Speech."

3. Parties necessary for the proper adjudication of an action must be joined rather than having the action dismissed.

POINT I

LIFE TENURE MEANS, IN EFFECT, A TERM OF OFFICE FOR LIFE

Tenure denotes in law the fact, manner or means of holding real property, property other than realty, and even immaterial things such as offices. It means the right to hold an office for an indefinite period of time. The word "tenure" indicates the right to hold an office for an indefinite period of time, and is distinguished from the word "term" which is a period of time with a fixed limit.

> Territory v. Ashenfelter, 12 P. 879, 4 N.M. 85, 103 (appeal dism 14 S. Ct. 1141, 154 U.S. 493, 38 L Ed. 1079)
>
> U.S. v. Carter, 4 Hawaii Fed.198 200.

Historically, traditionally, and legally, tenure has been found to be the right to remain in employment, without a reduction in pay, unless formal charges "for cause" are made, a formal hearing held; a decision rendered and a review mechanism available. Indeed the United States Constitution grants life tenure to Judges of the District Court, Court of Appeals and the Supreme Court.

> "The Judges both of the Supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services a Compensation, which shall not be diminished furing their Continuance in Office."
>
> Constitution of the United States, Article III, Section 1.

Counsel for Defendants admitted in their answer to plaintiff's complaint of March 19, 1974, and in open court at the hearing of December 13, 1974, that Plaintiff has tenure as an Attending Surgeon. Indeed on page 5 of the transcript of the hearing, to quote:

> THE COURT: There seems to be no dispute as I understand it that the doctor has tenure, is that correct, as an attending surgeon?
>
> Mr. Maass: He still holds that.
>
> THE COURT: And he is still allowed to go to the Harlem Hospital?
>
> Mr. Maass: I presume so.

The one most single important factor in job security is tenure. To disregard, life tenure, as Judge Bonsal did in his decision, if left unreversed, would completely destroy job protection in employment for every single individual. The results would be catostrophic. Judge Bonsal's decision is completely and totally contrary to every ruling of a United States District Court, Court of Appeals and United States Supreme Court.

His ruling is especially vicious and damaging to Black jobholders because it removes from them the shield of tenure. Traditionally, Black jobholders have been denied tenure and kept in the status of provisional employees so that they could be fired at will, without cause. To ignore tenure as Judge Bonsal has done would be more damaging than the decision in "Plessy v. Ferguson" which at least demanded equality in treatment.

Plessy v. Ferguson, 163 U.S. 537.

POINT II

NECESSARY JOINDER OF PARTIES

Rule 19 of the Federal Rules of Civil Procedure specifically states

"(a) Persons to be Joined if Feasible. A person who is subject to service of process and whose joinder will not deprive the court of jurisdiction over the subject matter of the action shall be joined as a party in the action if (1) in his absence complete relief cannot be accorded among those already parties, or (2) he claims an interest relating to the subject of the action.

Judge Bonsal erred in dismissing plaintiff's motion for summary judgment and requiring repleading. Rather he should have directed that the necessary officials at Columbia University be joined as necessary parties (defendants) to this action.

Federal Rules of Civil Procedure, Rule 19.

POINT III

Perhaps the most flagrant violation of Plaintiff's Constitutional rights is the "Fifth Affirmative Defense" of Plaintiff's Answer dated April 9, 1974. In this defense Plaintiff is being denied assignment to surgical duties because of a letter he wrote to the NEW YORK AMSTERDAM NEWS" criticising Columbia University's treatment of patients at Harlem Hospital. This is a denial of Plaintiff's Constitutional right of "Freedom of Speech" as guaranteed by the First Amendment to the United States Constitution. Since time immemorial, the U. S. District Courts, the U. S. Courts of Appeal, and the U. S. Supreme Court, have uniformly held that, under no circumstances, shall the slightest infringement on this constitutionally protected right be tolerated.

Perry v. Sindermann, 408 U.S. 593 (1972)

Board of Regents v. Roth, 408 U.S. 564 (1972)

New York Times Co. v. Sullivan, 376 U.S., 255.

CONCLUSION

1. The judgment of Mr. Justice Dudley B. Bonsal of the United States District Court, Southern District of New York, denying Plaintiff-Appellant's motion for summary judgment should be reversed. The admission by Defendant Counsel in his answer and in open court that Plaintiff-Appellant had life tenure as an attending surgeon at Harlem Hospital left no material issues of fact to be resolved at trial. Defendant-Appellee's actions in denying Plaintiff-Appellant his rights as a tenured employee are illegal. Such actions have uniformly been held a violation of the tenure rights.

2. Defendant-Appellees refusal to assign Plaintiff-Appellant duties because of his outspoken criticism of Columbia University is a flagrant denial of Plaintiff-Appellant's constitutionally protected rights under the "Freedom of Speech" clause of the First Amendment to the United States Constitution.

3. Judge Bonsal's decision to dismiss and require a new complaint naming necessary parties is an error. Rule 19 of the FRCP specifically states that in such instances, joining the parties is mandatory. Dismissal is incorrect.

Respectfully submitted,

ARTHUR T. DAVIDSON, M. D., pro se
Attorney for Plaintiff-Appellant

Arthur T. Davidson, M.D. pro se
Of Counsel

Dated: April 18, 1975

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

ARTHUR T. DAVIDSON, M. D.,
Plaintiff-Appellant

-against-

Civil Action Docket No. 75-7142

EUGENE QUASH, M. D., Acting Director,
Department of Surgery, Harlem Hospital,

APPENDIX

Defendant-Appellee

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1. Brief for Plaintiff-Appellant
2. Docket Entries
3. Index on Appeal
4. Judgment of United States District Court

Copy

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

#41914

ARTHUR T. DAVIDSON, M.D.,

Plaintiff,

-against-

74 Civ. 1262

EUGENE QUASH, M.D., Acting Director, Dept. of Surgery, Harlem Hospital,

Defendant.

ARTHUR T. DAVIDSON, M.D.
629 Eastern Parkway, Brooklyn, N.Y. 11213
Plaintiff pro se

THACHER, PROFFITT & WOOD, ESQS.
40 Wall Street, New York, N.Y. 10005
Attorneys for Defendant
EDWARD C. KALAIDJIAN, ESQ.
ROBERT G. MAASS, ESQ.
Of Counsel

MEMORANDUM

BONSAL, D. J.

Plaintiff pro se, Arthur T. Davidson, M.D., moves for summary judgment in his action filed against Eugene Quash, M.D., Acting Director of the Department of Surgery of Harlem Hospital, claiming that Columbia University ("Columbia") and certain of its agents unlawfully discriminated against him in refusing to assign

him any duties as an attending surgeon in the Department of General Surgery, at Harlem Hospital, of which hospital he was a life-tenured attending surgeon.

In March, 1964, plaintiff was appointed an attending surgeon of General Surgery at Harlem Hospital, with life tenure. By June, 1964, plaintiff had been appointed Chief of Section B, General Surgery at the Hospital.

Plaintiff alleges that Columbia, under contract with New York City, supervised the professional staff at Harlem Hospital at all times relevant to this action.

Plaintiff contends that, pursuant to an agreement dated August 2, 1967, in settlement of a lawsuit he had previously filed against Columbia, he left his position at Harlem Hospital to spend a year in cancer research and surgery at Francis Delafield Hospital (another New York City hospital under Columbia management). Plaintiff contends that because Columbia refused over a two-year period to reinstate him to his original position as Section Chief at Harlem Hospital as provided in the settlement plaintiff became "associated with major voluntary hospitals in Brooklyn".

Plaintiff contends that in July, 1972, he made a written application to the "White Director of Surgery at Harlem Hospital, for assignment to duty at Harlem Hospital"

but this request was refused. Plaintiff contends that his refusal was racially motivated. He further contends that this unlawful discrimination constitutes a continuing violation of Title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972 ("Title VII"), since he not only made a written application to the Director of Surgery, but plaintiff's life-tenured status as an attending surgeon made additional formal application unnecessary.

On February 14, 1973, plaintiff filed a charge of unlawful employment practices in violation of Title VII with the Equal Employment Opportunity Commission ("EEOC"), against Paul Marks, M.D., Dean, Columbia University College of Physicians and Surgeons, and Keith Reemtsma, M.D. (misspelled Reetsema), Director, Department of Surgery, Columbia University College of Physicians and Surgeons. Plaintiff was referred to the New York State Division of Human Rights ("the Division"), where he filed a similar complaint on February 26, 1973, charging the Columbia University College of Physicians and Surgeons as well as the individual defendants with unlawful discrimination. On August 21, 1973, the Division, after investigating the charges and holding two hearings, determined that there was "no probable cause to believe that the respondents have engaged or were engaging in the unlawful

discriminatory practice" and dismissed the complaint.

On March 7, 1974, the EEOC issued to plaintiff a "Notice of Right to Sue" and plaintiff timely filed his action on March 19, 1974. See 42 U.S.C. §§2000e-5(f)(1).

On November 25, 1974, plaintiff moved for an order "directing Respondent to assign Petitioner to surgical duties at Harlem Hospital." The Court deems this a motion for summary judgment under Rule 56 of the Federal Rules of Civil Procedure.

Defendant opposes this motion and in addition seeks dismissal of plaintiff's complaint on the ground that this Court has no jurisdiction of the subject matter of the action since plaintiff failed to name the same defendants as he named in his charges filed with the EEOC and the Division, on the basis of which the EEOC issued the "Notice of Right to Sue".

PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

The Court finds that defendant raises several material issues of fact which should be resolved at trial. For example, defendant's answer places in issue the reasons for Columbia's refusal to assign duties to him while he is associated with the "voluntary hospitals" in Brooklyn and whether plaintiff, as a life-tenured attending surgeon at Harlem, did or was required to make formal application for assignment of the duties he seeks.

Thus plaintiff's motion for summary judgment is denied.

DEFENDANT'S MOTION TO DISMISS

Turning to defendant's motion to dismiss for lack of subject matter jurisdiction, defendant correctly points out that an aggrieved party may file suit in federal district court under Title VII on claims pursued in charges filed with the EEOC when he has received from the EEOC a "Notice of Right to Sue" the party named in the EEOC charges. 42 U.S.C. §2000e-5(f)(1). See also Alexander v. Gardner-Denver Co., 415 U.S. 36, 47 (1974).

Naming the same parties in both the administrative proceedings and the judicial action serves two purposes:

> "First, it notifies the charged party of the asserted violation. Secondly, it brings the charged party before the EEOC and permits effectuation of the Act's primary goal, the securing of voluntary compliance with the law [where a violation is found]."
>
> Bowe v. Colgate-Palmolive Co., 416 F.2d 711, 719 (7th Cir. 1969).

The Court finds that these purposes have been served in this case, despite the discrepancy in the named defendants, and that the statutory jurisdictional requirement has been met.

Although in the caption to his complaint plaintiff named as defendant Eugene Quash, M.D., in his representative capacity as Acting Director of the Department of Surgery at Harlem Hospital (the individual apparently responsible for implementing Columbia's alleged supervisory role over the

surgical professional staff at that hospital), plaintiff alleges in the body of his complaint that it was Columbia which discriminated against him in continuing, from the time of his alleged written request in July, 1972, to refuse to give him assignments. These issues are substantially the same as those which Columbia had notice of and successfully defended against in the prior administrative proceedings.

Cases holding that a federal court complaint must be dismissed as to a particular defendant for plaintiff's failure to name that defendant in the prior charges filed with the EEOC are inapposite to the case at bar. In those cases, the parties which were named in the court action but not in the EEOC charges were completely independent entities from the parties which were named in the administrative proceedings. See, e.g., Le Beau v. Libby-Owens-Ford Co., 484 F.2d 798 (7th Cir. 1973); Bowe v. Colgate-Palmolive Co., supra. Accordingly, the Court finds the complaint filed herein to be sufficient to meet the jurisdictional requirements of Title VII.

However, plaintiff alleges merely conclusory allegations of racial discrimination (Complaint, ¶¶14, 18, and 19). The fact that the white Director of Surgery at Harlem Hospital refused to assign plaintiff any duties is not sufficient to state a claim showing that plaintiff is entitled to relief. See F.R.Civ.P. 8. Similarly, plaintiff's

suggestion that while a black person has since been appointed as Acting Director of Surgery at Harlem Hospital, this does not mean that racial prejudice is not still a factor, because blacks discriminate against other blacks, does not support a claim of discrimination by plaintiff.

Therefore, defendant's motion to dismiss is granted with leave to plaintiff to serve and file an amended complaint within 20 days from the date of the order to be entered herein, which amended complaint shall include the same defendants who were parties in the EEOC and Division proceedings, and which shall detail sufficient facts to show that the plaintiff is entitled to relief.

Settle order on notice.

Dated: New York, N.Y.
February 19, 1975.

DUDLEY B. BONSAL

U. S. D. J.

STATE OF NEW YORK, COUNTY OF WESTCHESTER ss.:

The undersigned, an attorney admitted to practice in the courts of New York State,

Check Applicable Box

☐ Certification By Attorney — certifies that the within has been compared by the undersigned with the original and found to be a true and complete copy.

☒ Attorney's Affirmation — shows: deponent is ARTHUR T. DAVIDSON, M. D. pro se the attorney(s) of record for prp se Plaintiff-Appellant in the within action; deponent has read the foregoing Brief for Plaintiff-Appellant and knows the contents thereof; the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters deponent believes it to be true. This verification is made by deponent ~~xxxxxxxx~~ who is the Plaintiff-Appellant.

The grounds of deponent's belief as to all matters not stated upon deponent's knowledge are as follows:

UPON INFORMATION AND BELIEF.

The undersigned affirms that the foregoing statements are true, under the penalties of perjury.

Dated: April 18, 1975

.....
The name signed must be printed beneath

ARTHUR T. DAVIDSON, M.D. pro se

STATE OF NEW YORK, COUNTY OF ss.:

Check Applicable Box

☐ Individual Verification — being duly sworn, deposes and says: deponent is the in the within action; deponent has read the foregoing and knows the contents thereof; the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged on information and belief, and as to those matters deponent believes it to be true.

☐ Corporate Verification — the of a corporation, in the within action; deponent has read the foregoing and knows the contents thereof; and the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters deponent believes it to be true. This verification is made by deponent because is a corporation and deponent is an officer thereof.

The grounds of deponent's belief as to all matters not stated upon deponent's knowledge are as follows:

Sworn to before me on 19

.....
The name signed must be printed beneath

STATE OF NEW YORK, COUNTY OF WESTCHESTER ss.:

ARTHUR T. DAVIDSON, M. D. pro se being duly sworn, deposes and says: deponent is not a party to the action, is over 18 years of age and resides at 629 Eastern Parkway, Brooklyn, New York

Check Applicable Box

☒ ~~Affirmation~~ of Service By Mail — On April 22 1975 deponent served the within Brief for Plaintiff-Appellant upon THACHER, PROFFITT & WOOD, 40 WALL ST., NEW YORK, N. Y. attorney(s) for Defendant-Appellee in this action, at 40 Wall St., New York, New York the address designated by said attorney(s) for that purpose by depositing a true copy of same enclosed in a post-paid properly addressed wrapper, in — a post office — official depository under the exclusive care and custody of the United States Postal Service within the State of New York.

☐ Affidavit of Personal Service — On 19 at deponent served the within upon herein, by delivering a true copy thereof to h personally. Deponent knew the person so served to be the person mentioned and described in said papers as the therein.

~~Sworn to before me on~~ 19—

.....
The name signed must be printed beneath

ARTHUR T. DAVIDSON, M. D. pro se

NOTICE OF ENTRY

Sir:- Please take notice that the within is a *(certified)* true copy of a
duly entered in the office of the clerk of the within named court on 19

Dated,

Yours, etc.,

Attorney for
Office and Post Office Address

To

Attorney(s) for

NOTICE OF SETTLEMENT

Sir:—Please take notice that an order

of which the within is a true copy will be presented for settlement to the Hon.

one of the judges of the within named Court, at

on the day of 19

at M.

Dated,

Yours, etc.,

Attorney for
Office and Post Office Address

To

Attorney(s) for

~~Index No.~~ Year 19

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

ARTHUR T. DAVIDSON, M. D.,

Plaintiff-Appellant

-against-

EUGENE QUASH, M. D., Acting Director,
Dept. of Surgery, Harlem Hospital

Defendant-Appellee

BRIEF FOR PLAINTIFF-APPELLANT

ARTHUR T. DAVIDSON, M. D. pro se

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To THACHER, PROFFITT & WOOD
40 WALL STREET, NEW YORK, N. Y.

Attorney(s) for
Defendant-Appellee

Service of a copy of the within

is hereby admitted.

Dated,

.....

Attorney(s) for